



TRINITY CITY PLANNING & ZONING BOARD MEETING

**Tuesday, August 23, 2005
7:00 pm**

The Trinity Planning Board held their July 26, 2005 meeting at Trinity City Hall. A quorum was present.

PLANNING BOARD MEMBERS PRESENT: Chairman J. R. Ewings; Planning Board Members Linda Gant, Vernel Gibson, Buddy Maness, Richard McNabb, Melvin Patterson, Robbie Sikes, and Jim Wall.

PLANNING BOARD MEMBERS ABSENT: None.

OTHERS PRESENT: City Manager, Ann Bailie; Planning/Zoning Administrator and Code Enforcement Officer, Adam Stumb; City Clerk, Debbie Hinson, City Engineer, Randy McNeill, Council members Bridges, Talbert, and Labonte, and other interested parties.

ITEM 1. Call to Order.

Chairman Ewings called the August 23, 2005 meeting to order at 7:00 p.m.

ITEM 2. Pledge of Allegiance.

Chairman Ewings led the Pledge of Allegiance.

ITEM 3. Invocation.

Planning Board member Vernel Gibson gave the invocation.

ITEM 4. Oath of Office for Jim Wall

Chairman Ewings opened the item and called on Mayor Shore to swear in Mr. Wall as the newest member of the Planning Board.

Mayor Shore gave the Oath of Office to Mr. Wall and welcomed Mr. Wall to the Planning Board.

ITEM 5. Approval of Minutes (July 26, 2005)

Chairman Ewings called for any changes or corrections to the July 26, 2005 minutes. Hearing none, Chairman Ewings called for a motion to approve the July 26, 2005 minutes.

Motion by Planning member Maness to approve the July 26, 2005 minutes as written, seconded by Planning member Gibson, and approved unanimously by all Planning members present.

ITEM 6. Public Comments Section

Chairman Ewings opened the floor to any public comments for any item except the rezoning request.

Council members Talbert, Bridges, and Labonte welcomed Mr. Wall to the Planning/Zoning Board. With no others speaking, Chairman Ewings continued the meeting.

ITEM 7. Rezoning Request #Z05-05

Chairman Ewings opened this item and asked Mr. Stumb to brief Planning/Zoning members on this item.

Mr. Stumb advised members that the current zoning on this property was R-40 and RA. The current land use plan designates this area as low to medium density commercial. It includes this parcel and parcels to the south and east as designated on the map in red.

The proposed zoning is Office/Institutional. Permitted uses allowed in this district range from doctor's offices, clinics, banks, light retail such as a florists, gift shop, pharmacy and drugstores. The complete list of uses allowed in this district was included in your packet. This property is located in the Lake Reese Watershed and has a one pond on the property to be classified as streams and wetlands. The topography of this property is slopping to the south and east. This is the first request for rezoning for this property. Traffic counts for this area are approximately 10,000 vehicles along NC Highway 62 and Unity Street.

This request is being made by the applicant, Carol Hurley. Ms. Hurley will discuss with you her intentions for use of this property during the Public Comment section of the hearing.

Prior to opening this item, Chairman Ewings reviewed the process and procedures followed during the Public Hearing. After review, Chairman Ewings opened the Public Hearing for anyone who wished to speak in favor of this request.

Speaking for the request

Carol Hurley 4154 NC Highway 62, Trinity: I am the current owner of this property. I have a home care business in which we send people into the home and do not have a lot of people in our office during the day. There are 3 dwellings on the property other than the barn. The dwelling located closest to the Unilin Plant is the building that I wanted to use as an office. I currently have an office in Thomasville and would like to move it to this location. The new location would be more convenient for me and would also give me good visibility. The other purpose for requesting this rezoning is that I would like to turn the main house that I currently live in into a bed and breakfast. These are the 2 reasons that I am seeking rezoning for this property.

Ms. Hurley advised members that she was the owner operator and did business as Arcadia Health Care and had been with this franchise for 5 years. She advised members she had been a Registered Nurse since 1981 and had been in home care since 1986. Arcadia is a franchise and I currently have one (1) franchise located in each of the following cities; Asheboro, High Point, Thomasville, and Winston Salem. We offer a variety of services such as sitter companion, nurses in the home, Certified Nursing Assistants, and Personal Care. I do not have any intentions on changing the landscaping of the property other than what I am required to do for parking at the far end of the property next to Unilin.

Betty Welborn: I live across from this property in Davidson County. Ms. Hurley's property is highly visible from our property. I think this would be a wonderful use for this property and would be a good companion property for the neighborhood unlike the Unilin Industry.

Pat Stover: I live on the property in the small house located on the property between the big house and the barn and work for Carol. I go into people's homes and I see the results of what our aids do and how they help the people in the homes. This is not a business that will change the structure of the property but a business that will change the structure of people's lives. Very few people come into our office's, so it will not increase the traffic. I believe if you choose to permit this rezoning this will be a benefit to Randolph County. This as well as the Bed and Breakfast would increase your community visibility.

With no others speaking against the request, Chairman Ewings opened the hearing to those who wished to speak against the request.

Speaking Against the Request

Dwight McDowell, 4322 NC Highway 62: I came with intentions to speak against the project not knowing what Ms. Hurley had in mind for this property. What she wants to do is great and is ideal for the property. However, once this property is rezoned if Ms. Hurley decides she wants to discontinue what she is doing, anything allowed in the approved zoning can be built on this property. This is my only concern. Mr. McDowell discussed the flooding problems already at the bottom of the hill where his residence was located and asked that Ms. Hurley not cause additional run off from the front corner that would add to this problem. This is a great idea and would be good for the community but how can the community feel safe and be assured in years to come that this will not affect the value of our properties. The citizens need assurances on any property that is approved for rezoning if the owner decided to sell that the new owner will not come in and change the entire setup. This is very nice for the community but something else might not be.

Melissa Varner, 7418 Lansdowne: My property is located directly behind this property. She stated that she felt what Ms. Hurley did was great; however, she opposed changing the zoning because this is a residential area. We moved to this location a few years ago because of the location and solitude. Already Unilin has built there and we are disappointed with that. I think even though you do not have on site care that it will change and this along with the Bed and Breakfast will increase the volume of traffic and noise. We do oppose this request.

With no one else speaking, Chairman Ewings closed the Public Hearing and turned discussion over to the Board members for discussion and or vote.

Member Sikes and Mr. Stumb discussed Ms. Hurley's requested uses and if these uses required a Special Use Permit or if the requested uses were Permitted Uses in Office/Institutional zoning district. Mr. Stumb advised members only the uses listed under the Special Use Section of Office/Institutional required a Special Use Permit and all other permitted uses listed did not require Special Use Permits in this zoning district. The requested uses by this applicant do not require a Special Use Permit be obtained in this zoning district.

Member Gant stated she was concerned with zoning the entire 11 acres Office/Institutional as requested. I believe what she wants to do is great and I was glad to find out about this service. Member Gant asked if there was a way to issue a permit for the request that Ms. Hurley made and if she decided to sell the property would require the new owners to come back to the city prior to making any changes.

Mr. Stumb advised members this was not an option at this time. We currently have a number of Special Uses that address uses such as a Bed and Breakfast in a residential area. We currently do not have Conditional Use or Conditional Zoning in our Ordinance. Both of these are similar. In this case it would allow the property owner to request Office/Institutional and could also come with a list of conditions that reflect what the use for this property would include. In this particular case a Health Care and Bed and Breakfast. Landscaping requirements could be added as well. However, there has to be agreement between this Board, Council, and the property owner when these uses are placed against the property.

Member Gant suggested this request be tabled until this type of zoning could be added to the City Ordinance.

Member Patterson asked if this property could continue to be used for residential once rezoned. Mr. Stumb advised members that this would be allowed.

Chairman Ewings asked member Gant to discuss her reservations for approval of this request. Member Gant discussed her concerns of all of the Permitted Uses allowed in Office/Institutional. She was not concerned with the Bed and Breakfast in this location and thought this would be a good use for this property; however, if this request is approved doctors and dentists offices, drive in widow services, banks, laundries, and things of this nature will be allowed and would have an effect on the neighborhood because of the increased traffic and noise they would generate. There is already a problem with flooding in this area. That is why I asked Mr. Stumb if Ms. Hurley could still have what she wants but as a Conditional Use.

Chairman Ewings discussed the purpose of these items being put into the Ordinance and the need to allow these uses to promote growth. He discussed how his neighborhood had changed when the school and I-85 was located there and how he and his neighbors had adapted to the changes.

Mr. Stumb and members discussed the Special Use Requirements in the Office/Institutional Zoning. Mr. Stumb advised members that only the uses listed in Office/Institutional under the Special Use Section would require a Special Use Permit from this Board and Council.

Member Gibson spoke on behalf of Arcadia and thanked them for the services they rendered to his mother. He discussed how representatives from this firm took care of his mother and her house. This type of facility is what Trinity should be about and this is progress.

With no further discussion, Chairman Ewings called for a motion.

Member Gant made a motion to table this item this month until the Board can talk to Mr. Stumb about Conditional Use Permits.

The motion failed for a lack of second.

Chairman Ewings called for motion or further discussion.

Member Gibson made a motion to rezone the property as requested, seconded by member Maness and approved 7 to 1 with member Gant voting Nay.

ITEM 8. Comments from the Board

Chairman Ewings called for comments from the Board.

Manager Bailie discussed the possibility of Mr. Stumb providing information on Conditional Zoning to this board and Council for consideration.

Mr. Stumb stated this was a good tool to have for some projects but should not be used for every rezoning request. If not used selectively it will get over used or can become over burdensome to the City to have different conditions on all properties.

After discussion among members, Mr. Stumb, and Manager Bailie concerning the boards desire to revisit the addition of Conditional Use Permits and Conditional Zoning, *it was the consensus of the members for Mr. Stumb to work on Conditional Use Permits and Conditional Zoning and to present his findings to this Board when complete for discussion.*

Member Gant asked Mr. Stumb the status of the Overlay District. Mr. Stumb advised members this would be discussed at their September Meeting.

ITEM 9. Comments from Staff

Chairman Ewings called for comments from staff.

Mr. Stumb discussed the following:

Application for Volunteers to Serve On the Land Use Plan Committee

Mr. Stumb advised members the City was seeking volunteers to serve on the Land Use Plan Committee. There will be one (1) meeting per month in addition to this meeting if you have the time and would like to serve. Manager Bailie advised members the meetings would be held on the second Thursday each month and would involve workshops and meetings where the public would be invited for their input.

Colonial Village

You will be looking at the site plan for Colonial Village at your September meeting.

Zoning Book

After discussion with members concerning their need for the Introduction to Zoning Book by David Owens, Mr. Stumb advised members that he would order books for each member.

Update of Prior Business

Manager Bailie advised members that Council approved the fees and changes that the board recommended for the Watershed and Zoning Ordinance. They agreed with the 35 foot height but did insert language to limit the building to a 2 story height limitation.

ITEM 10. Adjourn

With no other business to discuss, Chairman Ewings called for a motion of adjournment of the August 23, 2005 meeting.

Member Maness made a motion to adjourn the August 23, 2003 motion, seconded by member Sikes and approved unanimously by all members present.